

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:13-CR-167 RAS/KPJ
	§	
RONNIE RAY RADEMACHER	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government’s request for revocation of Defendant’s supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on April 19, 2017, to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Kevin McClendon.

On October 10, 2006, Defendant was sentenced by the Honorable Robert G. James, United States District Judge for the Western District of Louisiana, to a sentence of two hundred twenty (120) months imprisonment followed by a ten (10) year term of supervised release for the offense of Conspiracy to Possess with Intent to Distribute 50 Grams or More of Methamphetamine. On March 10, 2011, Defendant’s sentence was reduced to sixty three (63) months. Defendant began his term of supervision on March 11, 2011. Jurisdiction of this case was transferred to the Eastern District of Texas and assigned to the Honorable Richard A. Schell on July 9, 2013.

On July 18, 2013, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the “Petition”) (Dkt. 2). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall refrain from any unlawful use of a controlled substance;

(3) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (4) Defendant shall notify the probation officer ten (10) days prior to any change in residence or employment; and (5) Because the presentence report and other reliable sentencing information indicates a high risk of future substance abuse, Defendant shall submit to drug screens and/or substance abuse treatment at the direction of the probation officer following release from confinement.

The Petition alleges that Defendant committed the following violations: (1) On November 1, 2012, Defendant was arrested by Dallas, Texas, Police Department for Public Intoxication, a Class C Misdemeanor. On December 12, 2012, Defendant entered a deferred plea, was placed on probation for 180 days and paid a \$300 court fee; (2) On June 7, 2013, Defendant was arrested by Allen, Texas, Police Department for Public Intoxication. Defendant was released on a \$379 bond and never contacted the court to set a court date, so the bond was forfeited and Defendant was convicted of the offense; (3) On July 3, July 17, 2012, and June 3, 2013, Defendant submitted urine specimens which tested positive for methamphetamine; (4) On November 5, 2012, Defendant reported to the U.S. Probation Office and smelled of alcohol. Defendant verbally admitted he drank alcohol prior to reporting and submitted a urine specimen which tested positive for alcohol; (5) Defendant failed to notify the probation office at least ten (10) days prior to his change in residence on April 9, 2012. Defendant notified the probation officer of this change on May 1, 2012; and (6) On January 7, 2013, Defendant failed to submit to drug testing at Pillar Counseling, Plano, Texas, as directed.

At the hearing, Defendant entered a plea of true to all allegations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this

Court. The Court finds that Defendant has violated the terms of his supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the April 19, 2017, hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of ten (10) months, with a three (3) year term of supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in FCI Seagoville, if appropriate.

SIGNED this 20th day of April, 2017.

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE